

04-0-0502

AN ORDINANCE

BY COUNCILMEMBER CEASAR C. MITCHELL

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, CHAPTER 162, ARTICLE II, SECTIONS 162-33, 162-36, 162-42, 162-43, 162-76, 162-77, 162-78, 162-102 AND TO CREATE A NEW SECTION 162-79; TO PROVIDE TIME LIMITS ON THE DECISION TO ISSUE VEHICLES FOR HIRE COMPANY AND DRIVER PERMITS; TO PROVIDE FOR CERTAIN ADMINISTRATIVE FEES; TO PROVIDE THAT CERTAIN INFORMATION BE DISPLAYED ON A VEHICLE FOR HIRE; TO PROVIDE THAT ALL PASSENGERS OF VEHICLES FOR HIRE RECEIVE RECEIPTS UPON REQUEST; TO PROVIDE STANDARDS OF PUNISHMENT FOR CERTAIN CODE VIOLATIONS; TO PROVIDE A DEFINITION FOR THE TERM HABITUAL VIOLATOR; TO PROVIDE ADDITIONAL REQUIREMENTS FOR THOSE PERMITTED TO DRIVE A VEHICLE FOR HIRE AND TO POSSESS A COMPANY PERMIT;; AND, TO REPEAL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the public health, safety and welfare; and

WHEREAS, pursuant to its police powers, the City of Atlanta is authorized to enact legislation to regulate certain types of businesses and industries which could potentially affect the public health, safety and welfare, including businesses which involve vehicles for hire.

NOW THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS as follows:

**Section 1.** That Chapter 162, Article II, Section 162-29 of the City of Atlanta Code of Ordinances is hereby amended to create a new subsection (i) to read as follows:

(i) The police chief shall deny, grant, or remand to the panel of hearing officers, any company or driver permit application within 30 calendar days of receipt of the findings and recommendation from the panel of hearing officers. Upon review of the panel of hearing officers' findings and recommendation and/or the record created during the panel hearing, if the police chief determines there exists the need to correct a clear error or prevent a manifest injustice, the police chief may remand the application back to the panel of hearing officers for further hearing. In remanding the application back to the panel of hearing officers, the police chief shall provide written instructions to the panel of hearing officers and the bureau identifying specific issues and/or matters the police chief requires the panel of hearing officers to conduct further hearing upon. All applications remanded to the hearing panel of officers shall be scheduled for further hearing before the hearing panel of officers no later than 30 days after the

date of remand. A company or driver permit applicant shall be provided with a five day written notice from the bureau stating the specific issues and/or matters to be addressed on remand, along with the place, date and time of the remand hearing. If the police chief does not make a decision to grant or deny an application within the 30 calendar days provided, and does not choose to remand the application to the hearing panel of officers, the recommendation of the hearing panel of officers shall become the final decision of the police chief.

**Section 2.** That Chapter 162, Article II, Division 1, Section 162-33 of the City of Atlanta Code of Ordinances is hereby amended to add the following language:

- (17) Lien holder fee, \$25.00.
- (18) City ordinance, Chapter 162, \$5.00.
- (19) Elderly/disabled card, \$5.00.

**Section 3.** That Chapter 162, Article II, Section 162-36(c) of the City of Atlanta Code of Ordinances is hereby amended to delete the current language and to insert in lieu thereof the following language so that said section reads as follows:

(c) *Schedule of rates; identifying information.* Each taxicab shall have a schedule of passenger rights, which shall include the right to an air-conditioned cab, the right to direct the driver to use a certain route to a destination, except in a flat rate zone and an explanation of all rates and charges including flat rate fares, its CPNC number and the company's telephone number in addition to the bureau's telephone number for complaints and comments on back of the driver's seat **or rear window**. The driver permit shall be **three and one-half inches by five inches** in size, placed in a bracket or receptacle of a type approved by the bureau and shall be located on the right half of the dash.

**Section 4.** That Chapter 162, Article II, Section 162-36(e) of the City of Atlanta Code of Ordinances is hereby amended to delete the current language and to insert in lieu thereof the following language so that said section reads as follows:

(e) *Dome light on roof.* All taxicabs shall be equipped with a dome light not less than six inches in height, permanently affixed to the roof, bearing the **taxi's CPNC number, at least three inches in height, on both the front and rear of the dome light.**

**Section 5.** That Chapter 162, Article II, Sections 162-42(o) and 162-42(m) of the City of Atlanta Code of Ordinances is hereby amended to delete the current language and to insert in lieu thereof the following language so that said section reads as follows:

(o) *Upon request,* drivers **shall give receipts to their passengers** showing the amount of fare paid, name of company and contact information, the drivers name, CPNC number, number of passengers, location of trip, origination and location of trip termination.

(m) Driver transfer of affiliation from one company to another shall be limited to **four** per driver per year. For purposes of this subsection, the term "transfer" means a

change of a driver's company affiliation which is the result of a violation of this article relating to such driver's operation of a vehicle for hire. No company shall be prohibited by this article from terminating a driver's affiliation with that company. Any time a driver changes company affiliation for whatever reason, the company the driver is leaving must notify the bureau in writing of the reason within three days of such change. This notice shall remain available for inspection by any company or by the public.

**Section 6.** That Chapter 162, Article II, Division 1, Section 162-43 of the City of Atlanta Code of Ordinances is hereby amended to add the following language under the subheading "TABLE OF FINES AND DISCIPLINE, GENERAL" and the sub-subheading "Offense:":

Section 162-42(p), seating capacity.

Section 162-41, map.

Section 162-61(a), age limitations.

Section 162-34(c)(2)(b), interior requirements (other than failure to have two-way communication.

**Section 7.** That Chapter 162, Article II, Division 1, Section 162-43 of the City of Atlanta Code of Ordinances is hereby amended to add the following language under the subheading "CORRECTIONS AND RELATED MATTERS" and the sub-subheading "Interior light or electrical problem":

(7) 2-way communication

Do not operate

(8) No hands free device

3 days or next inspection

**Section 8.** That Chapter 162, Article II, Division 3, Section 162-76 of the City of Atlanta Code of Ordinances is hereby amended to delete the current language and to insert in lieu thereof the following language so that said section reads as follows:

It shall be **unlawful** for any drivers of vehicles for hire, including drivers of vans and sedans, to drive a vehicle for hire upon the highways of the city without first obtaining a permit from the **bureau**.

**Section 9.** That Chapter 162, Article II, Division 3, Section 162-77(9) of the City of Atlanta Code of Ordinances is hereby amended as follows:

(9) Not have been declared a habitual violator by the state department of public safety or the police department's bureau of taxicabs and vehicles for hire and not have been convicted, been on probation, parole or served time on a sentence for a period of five years prior to the date of application for the violation of any of the following criminal offenses of the state or any other state or of the United States: criminal homicide, rape, aggravated battery, mayhem, burglary, aggravated assault, kidnapping, robbery, driving a motor vehicle while under the influence of intoxicating beverages or drugs, driving with a suspended license, child molestation, any sex-related offense, leaving the scene of an accident, criminal solicitation to commit any of such, criminal attempt

to commit any of such, any felony in the commission of which a motor vehicle was used, perjury or false swearing in making any statement under oath in connection with the application for a driver's permit, any law involving violence or theft or possession, sale or distribution of narcotic drugs, barbituric acid derivatives or central nervous system stimulants; provided, however, that all applicants shall be entitled to the full benefits of O.C.G.A. tit. 42, ch. 8, art. 3 (O.C.G.A. § 42-8-60 et seq.), the First Offender Act. If at the time of application the applicant is charged with any of such offenses, consideration of the application shall be suspended until entry of a plea or verdict or dismissal. For the purposes of this subsection, a plea of nolo contendere to any of the offenses set out in this subsection shall constitute a conviction. **For purposes of the subsection, "habitual violator" as declared by the police department's bureau of taxicabs and vehicles for hire shall mean having eight or more moving traffic violations and/or violations of any ordinance of the city governing the conduct of drivers of vehicles for hire within any continuous eighteen month period after June 1, 2004.**

**Section 10.** That Chapter 162, Article II, Division 3, Sections 162-78(a)(1) and 162-78(a)(6) of the City of Atlanta Code of Ordinances is hereby amended to delete the current language and to insert in lieu thereof the following language so that said section reads as follows:

- (1) Not operate a vehicle for hire unless the following is present in said vehicle: the trip record also known as a "trip sheet," **containing the CPNC number, the date and time of dispatch, the driver's name, the driver's permit number,** daily log of all passengers, the time, place of entry and the destination of each passenger, the amount charged, an itemization of any personal property left in the vehicle for hire. **Further, a driver shall, at the beginning of each work shift, sign and certify on the trip record that the vehicle for hire and its equipment are in good working condition and that the items required in the taxicab are present, before operating the vehicle for hire.**
- (6) Successfully complete, annually, a driver's training course administered by a company or **third party** approved by the bureau.

**Section 11.** That Chapter 162, Article II, Division 3, Section 162-78(a) of the City of Atlanta Code of Ordinances is hereby amended to add the following language:

- (7) Not apply for or accept more than one driver's permit without the bureau's written permission.
- (8) Not permit any other person to use the driver's taxicab driver's license while operating any vehicle.
- (9) Not provide the bureau with any false or misleading information.

(10) Notify, within seventy-two (48) hours exclusive of weekends and holidays, the bureau in writing of the loss or theft of his driver's permit.

(11) Report any change of mailing address to the bureau, either in person or by registered or certified mail, return receipt requested within seven (7) days exclusive of weekends or holidays. Any notice from the bureau shall be deemed sufficient if sent to the last mailing address furnished by the driver.

(12) Not operate a vehicle for hire for more than twelve (12) consecutive hours.

(13) Not make erasures or obliterations on a trip record. The driver shall correct any wrong entry only by drawing a single line through the incorrect entry. A driver shall not leave blank lines between entries.

(14) Not obstruct a passenger's view of the taximeter.

(15) Not, while on duty, operate a vehicle for hire unless the roof light is lit when the taximeter is not in use or the driver is on a flat rate trip, and unlit when the taximeter is in use.

(16) Not operate a vehicle for hire in which the taximeter or the seals affixed thereto by a licensed taximeter repair shop have been tampered with, broken or altered in any manner.

(17) Notify the owner of a vehicle for hire and the bureau by telephone immediately, and in writing within twenty-four (24) hours, upon the discovery of any of the following with respect to the following equipment:

- (a) Any material change to a taximeter in a vehicle for hire operated by the driver since the last inspection by the bureau of said vehicle;
- (b) Any taximeter seal in the vehicle for hire operated by the driver has been removed or tampered with.

(19) Notify the bureau in writing of his conviction of a crime within fifteen (15) days of such conviction, and he shall deliver to the bureau a certified copy of the certificate of disposition issued by the Clerk of the Court within fifteen (15) days of sentencing.

**Section 12.** That Chapter 162, Article II, Division 3, Section 162-99 of the City of Atlanta Code of Ordinances is hereby amended to add the following language:

(12) Not provide the bureau with any false or misleading information.

**Section 13.** That Chapter 162 Article II, Division 3, Section 162-102 of the City of Atlanta Code of Ordinances is hereby amended by deleting said section in its entirety and adding in lieu of the following:

- (a) **After its initial issuance, a company permit under this division shall be renewed no later than December 31 of the year the company permit was issued, upon the company's providing proof that it continues to possess the requirements necessary to obtain and maintain such company permit.**
- (b) **All company permits issued by the city shall expire on December 31 and will be renewed for a one year period upon the company's providing proof that it continues to possess the requirements necessary to obtain and maintain such company permit.**

**Section 14.** The provisions of this ordinance, except Section 2, shall only apply to new and renewal permits applied for under Chapter 162 of the City of Atlanta Code of Ordinances after the enactment of this ordinance. The provisions of Section 2 of this ordinance shall go into effect upon enactment of this ordinance.

**Section 15.** The terms of this ordinance shall apply to all new and renewal driver permits issued pursuant to Chapter 162 after the enactment of this ordinance.

**Section 16.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.